

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
SPRINGFIELD DIVISION**

Paul Thayil,

Plaintiff,

v.

Simon Cowell; et. al,

Defendants.

Case No. 10-3200-CV-S-RED

**JOINDER OF DEFENDANT EMI ENTERTAINMENT WORLD INC.  
IN THE NON-EMI DEFENDANTS' MOTION TO DISMISS THE COMPLAINT**

Defendant EMI Entertainment World Inc. ("EMI"), by its attorneys Pryor Cashman LLP and Shaffer Lombardo Shurin, hereby joins in certain arguments and authority contained in the Motion to Dismiss the Complaint filed by defendants Sony Music Entertainment, Simon Fuller, 19 Entertainment, CKX, Inc., Simon Cowell and Nigel Lythgoe (collectively, the "Non-EMI Defendants"), filed on June 29, 2010 (*See* Court's Docket No. 18).

Specifically, EMI joins in the authority cited and the arguments made by the Non-EMI Defendants in support of their motion pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim, although EMI notes that, with respect to Section II.B.2.c. of the Non-EMI Defendants' Suggestions in Support, since EMI has and had no involvement in any of the television shows at

issue in this action, EMI relies exclusively on the factual arguments cited by the Non-EMI Defendants in this sub-section.

Dated: New York, New York  
July 16, 2010

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### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document was, on this 16<sup>th</sup> day of July, electronically filed with the Clerk of the Court, using the CM/ECF system, which sent electronic notification of this filing to the defendants and a copy was sent via U.S. Mail to the plaintiff, who is a non CM/ECF participant.

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